

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 16-22309-Civ-COOKE/WHITE  
(03-20759-Cr-COOKE)

WILFREDO RODRIGUEZ,

Movant,

vs.

UNITED STATES OF AMERICA,

Respondent.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT**

THIS MATTER was referred to the Honorable Patrick A. White, United States Magistrate Judge, pursuant to 28 U.S.C. §636(b)(1)(B), Rules 8 and 10 of the Rules Governing Section 2255 Cases in the United States District Courts, and Administrative Order 2003-19 of this Court, for a ruling on all pre-trial, non-dispositive matters and for a Report and Recommendation on any dispositive matters (ECF No. 3). On March 16, 2017, Judge White issued a Report of Magistrate Judge (ECF No. 14) recommending that (i) Movant's Motion to Vacate Sentence pursuant to 28 U.S.C. § 2255 (ECF No. 1) be denied, and (ii) no certificate of appealability issue. Movant filed his Objections on March 29, 2017 (ECF No. 15).

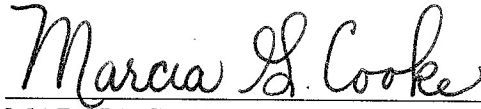
I have considered Judge White's Report, examined the relevant legal authorities, and conducted a *de novo* review of the record. I find Judge White's Report clear, cogent, and compelling.

It is therefore **ORDERED and ADJUDGED** that Judge White's Report of Magistrate Judge (ECF No. 14) is **AFFIRMED and ADOPTED**. Accordingly, the Motion to Vacate Sentence (ECF No. 1) is **DENIED**. The Clerk is directed to **CLOSE** this case.

It is **FURTHER ORDERED and ADJUDGED** that Petitioner has not demonstrated that "jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 326 (2003); *accord Lott v. Attorney Gen., Fla.*, 594 F.3d 1296, 1301 (11th Cir. 2010) (explaining that a "petitioner need not show he will ultimately succeed on appeal" in order to warrant a certificate of appealability).

Accordingly, this Court **DENIES** a Certificate of Appealability in this case.

**DONE and ORDERED** in chambers, at Miami, Florida, this 16<sup>th</sup> day of March 2018.

A handwritten signature in cursive script, reading "Marcia G. Cooke". The signature is written in black ink and is positioned above a horizontal line.

MARCIA G. COOKE

United States District Judge

Copies furnished to:

*Patrick A. White, U.S. Magistrate Judge*  
*Counsel of Record*